

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MICHAEL S. HOUSE,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,

Defendant.

CASE NO. 5:12-CV-01259

OPINION & ORDER
[Resolving Doc. No. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Michael House challenges the final decision of the Commissioner of Social Security, denying his claim for disability insurance benefits and supplemental social security income.^{1/} Specifically, House says that the Administrative Law Judge improperly rejected the opinion of his treating physician. This matter was referred to Magistrate Judge McHargh pursuant to Local Rule 72.2. On June 19, 2013, Magistrate Judge McHargh recommended that the Court vacate the Commissioner's decision denying benefits and remand the case to the Social Security Administration.^{2/}

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.^{3/} Parties must file any objections to a Report and Recommendation within fourteen days of service.^{4/}

^{1/}Doc. [1](#).

^{2/}Doc. [14](#).

^{3/}[28 U.S.C. § 636\(b\)\(1\)\(C\)](#).

^{4/}[Id.](#); [Fed. R. Civ. P. 72\(b\)\(2\)](#).

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Failure to object within this time waives a party's right to appeal the district court's judgment.^{5/}

Absent objection, a district court may adopt the magistrate judge's report without review.^{6/}

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover, having conducted its own review of the record and the parties' briefs in this case, the Court agrees with the conclusions of Magistrate Judge McHargh.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge McHargh's Report and Recommendation and incorporates it fully herein by reference, and **VACATES** the decision of the Commissioner of Social Security and **REMANDS** for proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.

Dated: July 3, 2013

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{5/}[*Thomas v. Arn*, 474 U.S. 140, 145 \(1985\); *United States v. Walters*, 638 F.2d 947, 949-50 \(6th Cir. 1981\).](#)

^{6/}[See *Thomas*, 474 U.S. at 149.](#)